

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

The W.W. Williams Company

**DEFENDANTS**

Google, Inc.

(b) County of Residence of First Listed Plaintiff Franklin  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Santa Clara  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Drehtler True LLC

137 E. State St., Columbus, OH 43215

614-545-6354

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 1114, 1125(a)

Brief description of cause:

Trademark infringement, contributory trademark infringement, false designation of origin, passing off and fraud

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Watson

DOCKET NUMBER 2:13-cv-298

DATE

07/19/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
JOHN P. HEHMAN  
CLERK

2013 JUL 19 PM 2:46

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

THE W.W. WILLIAMS COMPANY  
835 W. Goodale Blvd.  
Columbus, OH 43212,

Plaintiff,

v.

GOOGLE, INC.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043,

and  
JOHN DOES 1-10.

Defendants.

Case No. 2:13 CV 0713

Judge: JUDGE WATSON

Related Case No. 2:13-cv-298

MAGISTRATE JUDGE DEEVERS

**VERIFIED COMPLAINT FOR TRADEMARK INFRINGEMENT, CONTRIBUTORY  
TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN,  
PASSING OFF AND FRAUD**

Plaintiff The W.W. Williams Company, by and through undersigned counsel, for its  
Verified Complaint against Defendants Google, Inc. ("Google") and John Does 1-10 ("Doe  
Defendants") (hereinafter collectively referred to as "Defendants"), states as follows:

1. This is an action for trademark infringement and contributory trademark  
infringement under the Lanham Act, 15 U.S.C. § 1114, false designation of origin and passing  
off under 15 U.S.C. § 1125(a), and common law fraud arising from the Doe Defendants'  
unauthorized use of the Gmail email accounts [edouglas.wwwwilliamsincs.com@gmail.com](mailto:edouglas.wwwwilliamsincs.com@gmail.com) and  
[edouglas.wwwwilliamsincss.com@gmail.com](mailto:edouglas.wwwwilliamsincss.com@gmail.com), and the W.W. Williams Marks to fraudulently

obtain merchandise, and from Google's knowingly allowing the continued infringement of the W.W. Williams Marks by the Doe Defendants despite actual notice of the infringement.

### **Parties**

2. Plaintiff The W.W. Williams Company ("W.W. Williams") is an Ohio corporation with a principal place of business at 835 W. Goodale Avenue, Columbus, Ohio 43212. For 100 years, W.W. Williams has been a family-owned business engaged in the sales and service of diesel engines, refrigeration units, power generation equipment and parts distribution. The W.W. Williams name and website, [wwwwilliams.com](http://wwwwilliams.com), are well known among consumers of industrial products.

3. Defendant Google, Inc. is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Upon information and belief, the John Doe Defendants are maintaining Gmail email accounts that infringe on the W.W. Williams Marks through Defendant Google's Google Apps service.

4. Plaintiff does not know the true names or legal capacities of the Defendants sued herein for direct trademark infringement as JOHN DOES 1-10, inclusive, and therefore sues these Defendants by such fictitious names.

5. Upon information and belief, the Doe Defendants herein are the same unidentified Doe Defendants named by Plaintiff in the prior related action *The W.W. Williams Company v. Google Inc., et al.*, Case No. 2:13-cv-298 (S.D. Ohio)(Watson, J.) (the "Related Action"). Accordingly, the facts alleged in the Verified Complaint in the Related Action [dkt. #24] are incorporated by reference herein and the Verified Complaint is attached hereto as Exhibit A.

### **Jurisdiction and Venue**

6. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a) and (b). Personal jurisdiction in this District is proper inasmuch as Plaintiff's cause of action arose and Plaintiff is being injured within this judicial district, and because Defendants have purposely availed themselves of the privilege of doing business in this forum. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b)(2).

### **Facts**

#### **The W.W. Williams Company Trademarks**

7. Established in 1913, W.W. Williams is an iconic Columbus company which services trucking companies, the U.S. military, hospitals, data centers and state and local government.

8. For 100 years W.W. Williams has been family owned and based in Columbus, Ohio. W.W. Williams was founded by William Wallace Williams, Sr. when automobiles were new and untested inventions and the roads in Ohio were quite primitive. After 100 years, W.W. Williams still provides services to truckers whose vehicles break down on the roads throughout the United States. Additionally, W.W. Williams sells and services diesel engines and transmissions, plus refrigeration units that trucking companies use to transport food and other items that need to be kept cold. The company also sells and services power-generation equipment, including the generators that provide the backup power for Ohio State University's Arthur G. James Cancer Hospital.

9. W.W. Williams and its 1,000 employees are well known to the trucking companies, military, hospitals, data centers and governments that make up their

customer base. W.W. Williams maintains, repairs and provides parts for their trucks, buses, fire trucks, power generators and other equipment. Since 1924, W.W. Williams' headquarters has been at 835 Goodale Blvd.

10. W.W. Williams operates 36 locations throughout North America providing service to trucking companies, refrigeration units, generators, military vehicles and supplying parts. In addition, W.W. Williams operates a distribution operation in Akron, Ohio that sells parts for equipment that is no longer being manufactured. The company acquires inventory and if the equipment company no longer has parts, W.W. Williams can have one made.

11. In connection with the activities and services described in the preceding paragraphs, W.W. Williams is the owner of, among others, the following federally registered trademarks:

- a. W.W. WILLIAMS - Registration Number 2816546, registered on February 24, 2004 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;
- b. W.W. WILLIAMS (stylized) Registration Number 2794417, registered on December 16, 2003 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction

equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;



- c. W - Registration No. 1,166,781, registered on August 25, 1981, for leasing, maintaining and repairing heavy construction, industrial and mining equipment and machines;



- d. THE WWW CO. - Registration No. 2,773,047, registered on October 14, 2003 for transmission for motorized non-land vehicles and machines, namely, construction equipment cranes, bulldozers graders, earth movers, and steam shovels; marine applications, namely, boats, ships and ferries; military applications, namely, armored personnel carriers; electric power generators, fire pumps, and structural parts therefore; : Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributorship services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; Maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers.

(All of the above, including the common law rights therein, are collectively referred to as the "W.W. Williams Marks.")

12. Copies of the certificates of registration for each of these trademarks are attached to the Verified Complaint as Exhibits B through E, respectively.

13. The certificates of registration identified in the preceding paragraph are valid and subsisting, and W.W. Williams has record title in the trademarks described above.

14. The certificates of registration are prima facie evidence of the validity of the registered trademarks, W.W. Williams' ownership of the registered trademarks, and W.W. Williams' exclusive right to use the registered trademarks in connection with the goods and services specified in the certificates of registration enumerated above. The registered marks are incontestable, which provides conclusive evidence of their validity under 15 U.S.C. § 1115(b), and constructive notice of the registrant's claim of ownership under 15 U.S.C. § 1072.

15. In addition, W.W. Williams has owned the domain name "wwwilliams.com" since May 29, 1997 and operates its website at [www.wwwilliams.com](http://www.wwwilliams.com), offering the various W.W. Williams services.

#### **Defendants' Fraudulent and Infringing Use of the W.W. Williams Marks**

16. On May 12, 2013, the domain name wwwilliamsincs.com was registered by an as-yet unidentified John Doe Defendant through Vistaprint Technologies, Ltd., a hosting service that allows its customers to set up online businesses anonymously and hosts their domains. Upon information and belief, on or about the same date that the Doe Defendants set up the wwwilliamsincs.com domain, they also set up a Gmail email account through Defendant Google's Google Apps service.

17. The Doe Defendant(s) immediately set up a scheme to engage in direct trademark infringement of the W.W. Williams Marks and defraud unknowing companies by seeking price quotes and placing orders for products, including sophisticated satellite cell phones and surveillance equipment, under the name W.W. Williams. Upon information and belief, the scheme operated as follows: a) the Doe Defendant(s) would establish customer accounts and

credit terms with suppliers posing as W.W. Williams; b) the suppliers would ship the merchandise to the address provided by the Doe Defendant(s); c) the Doe Defendant(s) would not pay for the merchandise; and d) the suppliers, believing that the orders had been placed by W.W. Williams would then seek payment for the merchandise from W.W. Williams. Upon information and belief, much if not all of the merchandise that the Doe Defendants seek to order could be used for criminal or terrorist purposes and is either not legally available for shipment outside of the United States, or can only be used in countries in the Middle East and Africa.

18. On June 11, 2013, a person identifying himself as “Eaton Douglas, Purchasing Manager, W.W. Williams” sent out an email blast with the subject line “Thuraya Order” to several companies, requesting prices on Thuraya SG-2520 satellite mobile phones. The “from” line and the “to” line on the email indicated that the email was sent from the gmail account [edouglas.wwwwilliamsincs.com@gmail.com](mailto:edouglas.wwwwilliamsincs.com@gmail.com), although the recipients’ names were masked. One of the recipients, Galen Gritts of Orbit Engineering Systems LLC in St. Louis, Missouri, contacted W. W. Williams to investigate as to whether “Eaton Douglas” was a W. W. Williams employee. Upon learning that he was not, Mr. Gritts noted that “the Thuraya SG-2520 smartphone has been discontinued and is no longer available. Thuraya phones are for use in the Middle East, Africa, Central, East and Southeast Asia.” See email attached to Declaration of Janet Gibson as Exhibit A.

19. Another recipient of the June 11, 2013 email blast was Nikki Townsend of Galaxy 1 Communications in Ft. Lauderdale, Florida. Ms. Townsend also called W. W. Williams to confirm the identity of “Eaton Douglas” and was told that there was no such employee at W. W. Williams. Ms. Townsend forwarded the email solicitation she received to Plaintiff’s legal department. See Gibson Decl. at Exhibit B. Other recipients of the June 11, 2013 were Michael



Goodall of Remote Satellite Systems in Santa Rosa, California and Angela Winterbottom of UStronics, Inc. in Sterling Virginia. See Gibson Decl. at Exhibits C and D. Plaintiffs have no idea how many other companies that also sell satellite phones were recipients of the Doe Defendants' June 11, 2013 email blast.

20. Counsel for W. W. Williams immediately contacted the attorney who represented Google in the Related Action to inform her of this further misuse of the W.W. Williams Marks and ask her to request that Google disable the [wwwwilliamsincs.com@gmail.com](mailto:wwwwilliamsincs.com@gmail.com) email account. Counsel for Google replied that she had been informed by her client "that the best thing for your client to do is to go through Google's normal abuse/spam procedures located at <https://support.google.com/mail/contact/abuse>." Counsel for W.W. Williams attempted to follow the procedures set out in the above-referenced link, but the procedures did not address the type of abuse and misuse of the W.W. Williams Marks that Plaintiff was experiencing and had experienced in the Related Action. See Gmail abuse forms, attached hereto as Exhibit F.

21. On June 12, 2013, "Eaton Douglas" sent more emails requesting pricing on Thuraya satellite phones to various other companies, including Tim Hoerner of DigiCom Global, Inc. in Oakland County, Michigan and Jack Berry of Image Management Systems, Inc. in New York City. This email used the address [edouglas@wwwwilliamsincs.com](mailto:edouglas@wwwwilliamsincs.com). After informing "Eaton Douglas" that the Thuraya phones did not work in North America, Mr. Hoerner forwarded the email to W. W. Williams. See Gibson Decl. at Exhibit E.

22. On June 13, 2013, "Eaton Douglas" submitted a purchase order via email to Ariana Commerce Corp. of Los Angeles, California for the purchase of 36 Thuraya satellite phones totaling \$34,850.00. The Purchase Order was on a W.W. Williams form, which displayed the actual W.W. Williams name and logo, and listed W.W. Williams' address on West

Goodale Boulevard in Columbus Ohio. However, the email contact information on the Purchase Order was listed as ap@wwwwilliamsincs.com. The “Ship To” address was to “Jennifer Church, W.W. Williams, 98 Barney Cianchette Rd., Pittsfield, Maine 04967.” See Gibson Decl. at Exhibit F. W.W. Williams does not operate a facility at that address, and does not employ anyone named Jennifer Church.

23. On June 13, 2013, counsel for W.W. Williams contacted counsel for Vistaprint Limited to advise them of the misuse of the W.W. Williams Marks by the Doe Defendants who had secured the domain name wwwwilliamsincs.com and the email address \_\_\_\_@wwwwilliamsincs.com through Vistaprint. See Letter attached hereto as Exhibit G. Counsel for W.W. Williams again contacted counsel for Google to ask that Google disable the email account \_\_\_\_.wwwwilliamsincs.com@gmail.com. See Letter attached hereto as Exhibit H.

24. On June 14, 2013 a legal representative for Vistaprint informed counsel for W.W. Williams that Vistaprint had terminated the customer account and allowed W.W. Williams to initiate a transfer of the domain. See June 14, 2013 email attached hereto as Exhibit I. The email account edouglas@wwwwilliamsincs.com has been disabled.

25. Upon information and belief, on June 18, 2013, the same Doe Defendant(s) obtained the domain wwwwilliamsincss.com through Vistaprint, and continued their fraudulent scheme. On July 2, 2013, “Eaton Douglas” sent an email using the email address edouglas@wwwwilliamsincss.com to the “contact us” page for Ellipse Security, Inc. in Jacksonville, Florida and to Hueandcry.com seeking price quotes on various surveillance and security equipment. See Gibson Decl. at Exhibit G. Counsel for W.W. Williams immediately contacted Vistaprint and the wwwwilliamsincss.com account was disabled later that day. See email attached hereto as Exhibit J.

26. Upon information and belief, the Doe Defendants have never activated a gmail account with the address \_\_\_\_\_.[wwwwilliamsincss.com@gmail.com](mailto:wwwwilliamsincss.com@gmail.com). However, as of the date of filing of this action, the account [edouglas.wwwwilliamsincs.com@gmail.com](mailto:edouglas.wwwwilliamsincs.com@gmail.com) is still active.

27. Defendants' use in commerce of the W.W. Williams Marks to attempt to associate the Defendants' business with W.W. Williams is likely to and has caused confusion, and is likely to and has caused mistake and has deceived members of the public into believing that Plaintiff has sponsored or endorsed Defendants' use of the W.W. Williams Marks.

28. In addition to direct infringement and flagrant misuse of the W.W. Williams Marks, Defendants have also engaged in passing off in their efforts to deceive the public into thinking that they are acting as, and/or with the authority of W.W. Williams.

29. Defendant registered the domain names [www.wwwwilliamsincs.com](http://www.wwwwilliamsincs.com) and [www.wwwwilliamsincss.com](http://www.wwwwilliamsincss.com) in 2013; sixteen years after the [wwwwilliams.com](http://wwwwilliams.com) domain was registered, ten years after the W.W. WILLIAMS trademark (Registration no. 2794417) was registered, and one hundred years after W.W. Williams began doing business.

30. The Doe Defendant(s) are using the W.W. Williams Marks to defraud unsuspecting suppliers by posing as W.W. Williams and inducing suppliers into shipping them merchandise. The Doe Defendants intend for the suppliers, in reliance on the Doe Defendant's material misrepresentation that they are W.W. Williams, to ship them merchandise that the Doe Defendants will not pay for. The Doe Defendants further intend for the suppliers who have shipped them merchandise in reliance on the Doe Defendant's material misrepresentation that they are W. W. Williams to seek payment from W.W. Williams. Accordingly, the Doe Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams.

31. Google has refused to suspend activity or terminate the www.williamsines.com@gmail.com email account, despite having knowledge of the infringing, fraudulent and criminal activity being conducted using these Google-owned and controlled Gmail accounts.

**First Cause Of Action  
Federal Trademark Infringement**

32. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 31 of the Verified Complaint.

33. The John Doe Defendant[t]s' aforementioned acts constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114.

34. Plaintiff's federal registrations on the Principal Register for the W.W. Williams Marks are incontestable, which provides conclusive evidence of the validity of the registrations, the Plaintiff's ownership of the W.W. Williams Marks, and of the Plaintiff's exclusive right to use the W.W. Williams Marks in commerce in connection with the goods and services specified in the Certificates of Registration under the provisions of 15 U.S.C. §1115(b)).

35. The John Doe Defendant[s]' wrongful use of the W.W. Williams Marks on letterhead and as their email and Gmail addresses imply that the sender is W.W. Williams and is likely to cause confusion as to sponsorship or authorization by Plaintiff. Defendants' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. § 1114.

36. As a proximate result of the John Doe Defendant[s]' direct infringing actions, Plaintiff has suffered and will continue to suffer damage to its business, goodwill, reputation, profits and the strength of the W.W. Williams Marks. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

37. The foregoing acts of infringement have been and continue to be deliberate, willful and wanton, making this an exceptional case within the meaning of 15 U.S.C. § 1117.

38. Plaintiff is entitled to a preliminary and permanent injunction against the John Doe Defendant[s], as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

**Second Cause of Action  
False Designation of Origin and Passing Off**

39. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 38 of the Verified Complaint.

40. The John Doe Defendant[s] chose to use the W.W. Williams Marks for their fraudulent practices because of the well-known and longstanding reputation of W.W. Williams. The John Doe Defendant[s] are passing themselves off as W.W. Williams and are falsely leading companies to believe that the John Doe Defendant[s]' fraudulent practices are associated with, endorsed by, or originate with by Plaintiff, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

41. The foregoing acts and conduct by the John Doe Defendant[s] constitute false designation of origin and passing off in connection with attempts to procure products and services distributed in interstate commerce, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

42. The John Doe Defendant[s]' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

43. Plaintiff is entitled to a preliminary and permanent injunction against the John Doe Defendant[s], as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

**Third Cause of Action  
Contributory Trademark Infringement**

44. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 43 of the Verified Complaint.

45. Defendant Google has absolute and total control over the Gmail email accounts and the internet file servers Google provides to the directly infringing John Doe Defendants (the "John Doe Direct Infringers") who are using infringing Gmail email accounts comprised of the W.W. Williams Marks, and where fraudulent emails are sent from, received and stored.

46. Defendant Google has been aware of this activity since the hearing before the Court on the Related Action, yet Google has provided and is continuing to provide the John Doe Direct Infringers with email hosting, sending, receiving and storage of emails in Google Gmail accounts. Google's actions are willful and with actual knowledge that the John Doe Direct Infringers are using those Gmail accounts as instrumentalities to engage in direct trademark infringement of the W.W. Williams Marks. Google has total and complete control over the Gmail file servers, accounts and Gmail mail system that are the instrumentalities being used by the John Doe Direct Infringers to infringe the W.W. Williams Marks and commit criminal fraud against W.W. Williams.

47. Defendant is aware of the directly infringing acts of the John Doe Direct Infringers using Google's email system, and Plaintiff has repeatedly requested that Google cease making its Gmail email and file server system available to the John Doe Direct Infringers.

Google has refused to terminate the Gmail accounts of the John Doe Direct Infringers which are being used to infringe the W.W. Williams mark and commit fraud against Plaintiff. Google's acts in providing the instrumentality to the John Doe Direct Infringers to engage in direct trademark infringement of the W.W. Williams Marks constitutes contributory trademark infringement.

48. Defendant Google's acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

49. Plaintiff is entitled to a preliminary and permanent injunction against all Defendants, as well as all other remedies available under the Lanham Act, including, but not limited to, disgorgement of profits; compensatory damages; treble damages; and costs and attorneys' fees.

#### **Fourth Cause of Action Fraud**

50. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 49 of the Complaint.

51. The John Doe Defendants are using the W.W. Williams Marks to materially misrepresent themselves as being associated with W.W. Williams with the intent to defraud unsuspecting suppliers inducing suppliers into shipping them merchandise that the Doe Defendants will not pay for. The John Doe Defendants further intend for the suppliers who have shipped them merchandise in reliance on the John Doe Defendant's material misrepresentation that they are W. W. Williams to seek payment from W.W. Williams. Accordingly, the John Doe

Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams.

52. Google was, in the Related Action, and once again has been provided clear and convincing evidence that the John Doe Defendants are using the Google Gmail mail system and internet file servers as the instrumentality to effectuate their fraudulent activities. Google has refused to take action to terminate the Gmail accounts of the John Doe Defendants to terminate the fraudulent activities.

53. Defendants' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

54. Plaintiff is entitled to a preliminary and permanent injunction against all Defendants, as well as all other remedies available including, but not limited to, compensatory damages; punitive damages; disgorgement of profits; and costs and attorneys' fees.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

(1) that Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants who receive actual notice of the court's order by personal service or otherwise, be preliminarily and permanently enjoined from:

(a) continuing to use the name "W.W. Williams" in their business name and website;

(b) using any of the W.W. Williams Marks for goods or services, or on the internet, or as domain names, email addresses, meta tags, invisible data, or otherwise engaging in acts or conduct that would cause confusion as to the source, sponsorship or affiliation of Defendants with Plaintiff.



(c) engaging in any activity that would suggest that Defendants are associated with W.W. Williams in any way.

(2) that Defendant Google be directed to immediately and permanently disable all email accounts hosted on Google's servers that include the characters "wwwilliamsinc", including but not limited to the Gmail accounts edouglas.wwwilliamsincs.com@gmail.com and not in the future permit anyone to utilize a Gmail system email address that includes the characters "wwwilliamsinc";

(3) that Plaintiff recover its actual damages sustained as a result of Defendants' wrongful actions;

(4) that Plaintiff recover Defendants' profits made as a result of Defendants' wrongful actions;

(5) that Plaintiff recover three (3) times Defendants' profits made as a result of Defendants' wrongful actions or three (3) times Plaintiffs' damages, whichever is greater;

(6) that, given the fact the Plaintiff has had to file a second lawsuit against Google to compel Google to take the same actions that Google was ordered to do in the Related Action, this case be deemed an exceptional case under 15 U.S.C. §§ 1117(a) and (b) and that Defendants be deemed liable for and ordered to reimburse Plaintiffs for their reasonable attorneys' fees;

(7) that Plaintiff be awarded exemplary damages for Defendants' willful and intentional acts;

(8) that Plaintiff recover its costs of court; and

(9) that Plaintiff recover such further relief to which they may be entitled.

Dated: July 19, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph R. Dreitler". The signature is fluid and cursive, with a large, stylized initial "J".

Joseph R. Dreitler

Mary R. True

DREITLER TRUE LLC

137 E. State Street, Suite 101

Columbus, OH 43215

E-mail: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com)

[mtrue@ustrademarklawyer.com](mailto:mtrue@ustrademarklawyer.com)

Telephone: (614) 545-6355

Facsimile: (614) 241-2169

*Attorneys for Plaintiff  
The W.W. Williams Co.*

## VERIFICATION

I am an officer of The W.W. Williams Company. I have reviewed the allegations in the Verified Complaint for trademark infringement, contributory trademark infringement false designation of origin, passing off and common law fraud brought by The W.W. Williams Company against defendants Google, Inc. and Does 1-10 (the "Verified Complaint"). The allegations in the Verified Complaint are true and accurate to the best of my knowledge.



By: Janet D. Gibson

Title: General Counsel and Corporate Secretary  
The W.W. Williams Company

# **Exhibit A**

FILED  
JOHN P. HEHMAN  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2013 MAR 29 AM 9:47

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

THE W.W. WILLIAMS COMPANY  
835 W. Goodale Blvd.  
Columbus, OH 43212,

Plaintiff,

v.

DOMAINS BY PROXY, LLC  
14747 N. Northsight Blvd., Suite 111, PMB 309  
Scottsdale, AZ 85260

and

JOHN DOES 1-10.

Defendants.

Case No.

2:13 CV 0298

Judge:

JUDGE WATSON

MAGISTRATE JUDGE DEEVERS

**VERIFIED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE  
DESIGNATION OF ORIGIN, PASSING OFF, CYBER SQUATTING AND FRAUD**

Plaintiff The W.W. Williams Company, by and through undersigned counsel, for its  
Verified Complaint against Defendants Domains By Proxy LLC and John Does 1-10 (hereinafter  
collectively referred to as "Defendants"), states as follows:

1. This is an action for trademark infringement under the Lanham Act, 15 U.S.C. §  
1114, false designation of origin and passing off under 15 U.S.C. § 1125(a), cybersquatting  
under the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1)(A), and  
common law fraud arising from Defendants' unauthorized use of the domain name  
www.williamsinc.com and the W.W. Williams Marks to fraudulently obtain merchandise.

### **Parties**

2. Plaintiff The W.W. Williams Company (“W.W. Williams”) is an Ohio corporation with a principal place of business at 835 W. Goodale Avenue, Columbus, Ohio 43212. For 100 years, W.W. Williams has been a family-owned business engaged in the sales and service of diesel engines, refrigeration units, power generation equipment and parts distribution. The W.W. Williams name and website, [wwwwilliams.com](http://wwwwilliams.com), are well known among consumers of industrial products.

3. Upon information and belief, Defendant Domains by Proxy, LLC became the registrant of the domain [wwwwilliamsinc.com](http://wwwwilliamsinc.com) (the “Disputed Domain”) on or about March 5, 2013. Domains by Proxy LLC is an Arizona corporation with its principal place of business in Scottsdale, Arizona.

4. Plaintiff does not know the true names or legal capacities of the Defendants sued herein as JOHN DOES 1-10, inclusive, and therefore sues these Defendants by such fictitious names.

### **Jurisdiction and Venue**

5. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a) and (b). Personal jurisdiction in this District is proper inasmuch as Plaintiff’s cause of action arose and Plaintiff is being injured within this judicial district, and because Defendants have purposely availed themselves of the privilege of doing business in this forum. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b)(2).

**Facts**  
**The W.W. Williams Company Trademarks**

6. Established in 1912, The W.W. Williams Company ("W.W. Williams") is an iconic Columbus company which services trucking companies, the U.S. military, hospitals, data centers and state and local government.

7. For 100 years W.W. Williams has been family owned and based in Columbus, Ohio. W.W. Williams was founded by William Wallace Williams, Sr. when automobiles were new and untested inventions and the roads in Ohio were quite primitive. After 100 years, W.W. Williams still provides services to truckers whose vehicles break down on the roads throughout the United States. Additionally, W.W. Williams sells and services diesel engines and transmissions, plus refrigeration units that trucking companies use to transport food and other items that need to be kept cold. The company also sells and services power-generation equipment, including the generators that provide the backup power for The Ohio State University's Arthur G. James Cancer Hospital.

8. W.W. Williams and its 1,000 employees are well known to the trucking companies, military, hospitals, data centers and governments that make up their customer base. W.W. Williams maintains, repairs and provides parts for their trucks, buses, fire trucks, power generators and other equipment. Since 1924, W.W. Williams' headquarters has been at 835 Goodale Blvd.

9. W.W. Williams operates 36 locations throughout North America providing service to trucking companies, refrigeration units, generators, military vehicles and supplying parts. In addition, W.W. Williams operates a distribution operation in Akron, Ohio that sells

parts for equipment that is no longer being manufactured. The company acquires inventory and if the equipment company no longer has parts, W.W. Williams can have parts made.

10. In connection with the activities and services described in the preceding paragraphs, W.W. Williams is the owner of, among others, the following federally registered trademarks:

- a. W.W. WILLIAMS - Registration Number 2,816,546, registered on February 24, 2004 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;

- b. W.W. Williams - Registration Number 2,794,417, registered on December 16, 2003 for Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributor services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers;





- c. - Registration No. 1,166,781, registered on August 25, 1981 for leasing, maintaining and repairing heavy construction, industrial and mining equipment and machines;



- d. - Registration No. 2,773,047, registered on October 14, 2003 for transmission for motorized non-land vehicles and machines, namely, construction equipment cranes, bulldozers graders, earth movers, and steam shovels; marine applications, namely, boats, ships and ferries; military applications, namely, armored personnel carriers; electric power generators, fire pumps, and structural parts therefore; : Retail store outlet and distributorship services featuring engines and transmissions for motorized vehicles, machines and equipment, namely trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency equipment, buses and coaches; retail outlet and distributorship services featuring diesel-powered refrigeration units for vehicles and trailers; retail outlet and distributorship services featuring repair parts for engines and transmission which are manufactured under license or by permission of the original manufacturer; Maintaining and repairing engines and transmissions for motorized vehicles, machines and equipment, namely, trucks, construction equipment, marine vehicles and military mechanical weapons, power generating equipment, fire pumps, emergency mechanical equipment, buses and coaches; maintaining and repairing refrigeration units for vehicles and trailers.

(All of the above, including the common law rights therein, are collectively referred to as the "W.W. Williams Marks".)

11. Copies of the certificates of registration for each of these trademarks are attached to this complaint as Exhibits A through D, respectively.

12. The certificates of registration identified in the preceding paragraph are valid and subsisting, and W.W. Williams has record title in the trademarks described above.

13. The certificates of registration are prima facie evidence of the validity of the registered trademarks, W.W. Williams' ownership of the registered trademarks, and W.W. Williams' exclusive right to use the registered trademarks in connection with the goods and services specified in the certificates of registration enumerated above. The registered marks are incontestable, which provides conclusive evidence of their validity under 15 U.S.C. § 1115(b), and constructive notice of the registrant's claim of ownership under 15 U.S.C. § 1072.

14. In addition, W.W. Williams has owned the domain name "wwwwilliams.com" since May 29, 1997 and operates its website at [www.williams.com](http://www.williams.com), offering the various W.W. Williams services.





#### **Defendants' Fraudulent and Infringing Use of the W.W. Williams Marks**

15. Defendant Domains by Proxy is a for profit corporation that offers privacy services to domain name registrants:

16. When a domain registrant engages Defendant's privacy services, the registrant transfers his or her domain name to Defendant, so that Defendant actually becomes the registrant of the domain name. Defendant agrees to become and serve as the registrant of the domain name, making only Defendant's contact information available to the public. As the registrant of the domain name, Defendant becomes legally responsible for the domain name and arranges for the administration of the domain name, including renewing the domain name with the relevant domain name registrar. While Defendant is the legal registrant of the domain name, Defendant's customer remains a beneficiary of the domain name. Domains by Proxy is no stranger to litigation regarding its business model of hiding the names of the actual registrants. The

following is but a partial list of Uniform Domain Name Dispute Resolution Procedure decisions that ordered a turnover of cybersquatted domains registered in the name of Domains by Proxy.:

	D2013-0139	rownthomas.mobi	Brown Thomas Group Limited v Domains By Proxy, LLC	Transferred	11-03-2013
	D2013-0034	irginapps.com	Virgin Enterprises Limited v Domains By Proxy, LLC / Rodney Dunlap	Transferred	05-03-2013
	D2013-0081	eekelego.com	Lego Juris A/S v Domains By Proxy, LLC; Russell Grodack	Transferred	04-03-2013
	D2012-2548	jltjtj.com	Kijiji International Ltd v Domains By Proxy, LLC / Amedeo D'amato	Transferred	03-03-2013
	D2012-2523	xagroup.biz	AXA SA v Domains by Proxy, LLC / Axagroup	Transferred	27-02-2013
	D2012-2538	eluxblind.com veluxconversion.com veluxloft.com	VKR Holding A/S v Lofts Direct Ltd / Domains by Proxy, LLC	Transferred	26-02-2013
	D2013-0109	lashlego.com	LEGO Juris A/S v Domains By Proxy, LLC/ Hu Xiaoping	Transferred	22-02-2013

	D2012-2546	inder-chocolate.com	Ferrero S.p.A. v Domains By Proxy, LLC; Vladimlr Natchev Vladimlr Natchev	Transferred	19-02-2013
	D2012-2427	uperbahisbonus.com superbahisbonus.net superbahiscasino.net superbahiscom.com superbahisgirlis.net superbahisler.org superbahisoyunlari.com superbahispoker.net superbahistekazan.com superbahisturkce.com superbahisuye.com	Corvee Limited East Pioneer Corporation B.V. v International Domains Holdings Limited, Domains By Proxy, LLC/ Webpals International Domains Holdings Limited, Domains By Proxy, LLC/ Webpals	Transferred	12-02-2013
	D2012-2427	uperbahisbonus.com superbahisbonus.net superbahiscasino.net superbahiscom.com superbahisgirlis.net superbahisler.org superbahisoyunlari.com superbahispoker.net superbahistekazan.com superbahisturkce.com superbahisuye.com	Corvee Limited East Pioneer Corporation B.V. v International Domains Holdings Limited, Domains By Proxy, LLC/ Webpals International Domains Holdings Limited, Domains By Proxy, LLC/ Webpals	Transferred	12-02-2013
	D2012-2486	rmartensusa.org	"Dr. Maertens" Marketing GmbH "Dr. Martens" International	Transferred	31-01-2013

			Trading GmbH v Domains By Proxy LLC/ deborah Jordan		
<b>III</b>	1247242	exxonbillpay.com	Exxon Mobil Corporation v Domains By Proxy - NA Proxy Account c/o Niche Domain Proxy Manager	Transferred	22- May- 2009
<b>III</b>	1226461	aaa-automotivewarrantydeals.com, aaa-travel-International.biz, aaa-travel- international.info, aaaamobilefleetservice.com, aaaautopartslocators.com, aaabizcredit.com, aaaccuratecredit.com, aaacetravel.com, aaacetravel.info, aaacetravel.net, aaaclassicstrippers.com, aaacorporatetravelsolutions.com, aaacorporatetravelsolutions.net, aaacorporatetravelsolutions.org, aaacredit4u.com, aaacreditforyou.com, aaadiscountss.com, aaadiscountss.net, aaaexchangenetwork.com, aaafinancialfreedom.com, aaafreetravel.com, aaaluxurytravel.com, aaanationalfinance.com, aaanationalfinancesolutions.com, aaapenguintravel.com, aaapremiercreditrepair.biz, aaapremiercreditrepair.org, aaaprovedautorepair.com, aaarecoveryservices.com, aaareferraltraveltours.net, aaatourguide.com, aaatourguide.net, aaatourguides.com, aaatourguides.net, aaatourvideos.com, aaatourvideos.net, aaatransferservices.com, aaatravelfare.com, aaatravelguide.net, aaatravelguides.com, aaatravelguides.net, aaatravelperks.net, aaatravelsmooth.com, aaatravelvideos.net, aaavinsurance.com,	The American Automobile Association, Inc. v Domains By Proxy, Inc., by itself and as proxy for its customers	Split Decision	30- Jan- 2009

aaawebservices.net, onlinetriples.com,  
triple-a-agency.com, triple-a-  
tracker.com, tripleaatm.com,  
tripleaclassicdancers.com,  
tripleaclassicgirls.com,  
tripleaclassicstrippers.com,  
tripleamagazine.com,  
tripleamexico.com, tripleamex.co.net,  
triplearads.com, tripleastrippers.com,  
tripleatracker.com, wwwaaa-  
warranty.com, wwwaaaawarranty.com

III	1232485	freelifegojnews.com	Freelife International Holdings, LLC v Domains by Proxy, Inc.	Transferred	30- Jan- 2009
III	1145651	bayloralumnuliving.com, baylorcrave.com, baylorflorist.com, baylorfriscoivf.com, baylorhospital.mobi, baylorhospitals.mobi, baylorkehoe.com, baylorlocators.com, baylorsalsa.com, baylorsportstalk.com, baylorsportstalk.net, baylorstudentliving.com	Baylor University v Domains by Proxy, Inc. aka Mark Felton aka Thomas Bassett aka William Bunn aka Fertility Specialists of Dallas aka Becky Chatham aka Amanda Scott aka Nathan Flaga aka Lisa Payne aka Victor Weir III	Transferred	26- May- 2008

The list of cases in U.S. District Court where Domains by Proxy has been sued is equally impressive. See, e.g., McMann v. Doe, 460 F. Supp. 2d 259 - Dist. Court, D. Massachusetts, 2006; Righthaven LLC v. Domains By Proxy, Inc., No. 2: 10-CV-00864-LRH-RJJ (D. Nev. Sept. 9, 2010); Royal Indian Raj International Corporation v. Domains By Proxy, Inc., No. 08 Civ. 3445 (JGK) (S.D.N.Y. Jan. 7, 2012); Pfizer Inc. v. Domains By Proxy, Civil Action No. 3:

04CV741 (SRU) (D. Conn. July 13, 2004); Academy of Motion Picture Arts and Sciences v. GoDaddy.com, Inc., No. C 12-80192 EJD (PSG) (N.D. Cal. Oct. 19, 2012).

17. On or about March 5, 2013 a currently unknown party (hereinafter, the “Doe Defendant(s)”) transferred the domain [www.williamsinc.com](http://www.williamsinc.com) to the Defendant, and the Defendant became the registrant of the [www.williamsinc.com](http://www.williamsinc.com) domain.

18. The Doe Defendant(s) immediately set up a scheme to defraud both Plaintiff and unknowing companies by seeking price quotes and placing orders for products under the name W.W. Williams. Upon information and belief, the scheme operated as follows: a) the Doe Defendant(s) would establish customer accounts and credit terms with suppliers posing as W.W. Williams; b) the suppliers would ship the merchandise to the address provided by the Doe Defendant(s); c) the Doe Defendant(s) would not pay for the merchandise; and d) the suppliers, believing that the orders had been placed by W.W. Williams would then seek payment for the merchandise from W.W. Williams.

19. On March 13, 2013, a person identifying himself as “Carter Monte, Purchasing Manager, W.W. Williams” sent a request for prices on certain Multigas detectors to Stauffer Glove and Safety of Red Hill, Pennsylvania. The contact information in the request listed the email address [cmonte@www.williamsinc.com](mailto:cmonte@www.williamsinc.com). See email attached as Exhibit E. W.W. Williams does not employ anybody named Carter Monte.

20. On March 20, 2013, a person identifying herself as “Maude Bechard, Account (sic) Payable, W.W. Williams” submitted via email a completed credit application form and “WWWilliams Company Credit Profile” to Idville, a company specializing in customized employee recognition gifts. The Doe Defendant(s) were seeking a \$54,000 line of credit from Idville under the name of Jesus Bones or Maude Bechard. The credit information submitted to

Idville contained actual W. W. Williams bank account information and credit references, and the “WWWilliams Company Credit Profile” was a copy of actual credit information on W.W. Williams letterhead, displayed the W.W. Williams logo, and listed W.W. Williams’ address on West Goodale Boulevard in Columbus, Ohio. See email and attachments attached hereto as Exhibit F. W.W. Williams does not employ anybody named Jesus Bones or Maude Bechard.

21. On March 14, 2013 a person identifying himself as “Jesus Bones, Purchasing Manager, W.W. Williams” submitted via email a purchase order to SpringTree Media Group of Franklin, Tennessee seeking shipment of 106 Shure audio products, totaling \$21,094.00. The Purchase Order was on a W.W. Williams form, which displayed the W.W. Williams name and logo, and listed W.W. Williams’ address on West Goodale Boulevard in Columbus, Ohio. However, the “authorized signature” on the Purchase Order was “Maude Bechard, Accounts Payable” and the email contact information was listed as ap@wwwilliamsinc.com. The “Ship To” address was to “Attn: Raul Mendez, W.W. Williams, 204 montana azul, Anthony new mexico 88021 Tel: (866)545-0851.” See email and Purchase Order attached hereto as Exhibit G. W.W. Williams does not operate a facility at that address, and does not employ anyone named Raul Mendez.

22. On March 25, 2013, a person identifying himself as “Carter Monte, Purchasing Manager, W.W. Williams” submitted via email a purchase order to 24 Hr. Safety of Deer Park, Texas seeking shipment of various pieces of equipment, totaling \$42,454.76. The Purchase Order was on a W.W. Williams form, which displayed the W.W. Williams name and logo, and listed W.W. Williams’ address on West Goodale Boulevard in Columbus, Ohio. However, the “authorized signature” on the Purchase Order was “Maude Bechard, Accounts Payable” and the email contact information was listed as ap@wwwilliamsinc.com. The “Ship To” address was to



"Attn: Malissa Preston, W.W. Williams, 3149 Clarabelle Street, Columbus, GA 31903 Tel: (866)545-0851." See email and Purchase Order attached hereto as Exhibit H. W.W. Williams does not operate a facility at that address, and does not employ anyone named Malissa Preston.

23. On March 19, 2013, Counsel for W. W. Williams sent a cease & desist letter to "Maude Bechard" and Domains by Proxy, LLC demanding that Domains by Proxy provide W. W. Williams with contact information for the registrant of the wwwwilliamsinc.com domain and that the John Doe Defendants immediately cease using the wwwwilliamsinc.com domain and name. On March 21, 2013, Counsel for W. W. Williams received a response from "H. Fennel, Office of the General Manager, Domains by Proxy, LLC" in which Mr/s. Fennel refused to supply the requested contact information. See email attached hereto as Exhibit I. On March 25, 2013, Counsel for W. W. Williams followed up with Mr/s. Fennel, once again seeking contact information. On Monday, March 25, 2013, "D Preston" of the Office of the General Manager for Domains by Proxy, LLC responded, again refusing to provide the requested information. See email attached hereto as Exhibit J.

24. Defendants' use in commerce of the W.W. Williams Marks to attempt to associate the Defendants' business with W.W. Williams is likely to cause confusion, to cause mistake or to deceive members of the public into believing that Plaintiff has sponsored or endorsed Defendants' use of the W.W. Williams Marks.

25. In addition to misuse and infringement of the W.W. Williams Marks, Defendants have also engaged in passing off in their efforts to deceive the public into thinking that they are acting as, and/or with the authority of W.W. Williams.

26. Defendant registered the domain name www.williamsinc.com in 2013, sixteen years after the wwwwilliams.com domain was registered, ten years after the W.W. WILLIAMS

mark (Registration no. 2794417) was registered, and one hundred years after W.W. Williams began doing business.

27. The Doe Defendant(s) are using the W.W. Williams Marks to defraud unsuspecting suppliers by posing as W.W. Williams and inducing suppliers into shipping them merchandise. The Doe Defendants intend for the suppliers, in reliance on the Doe Defendant's material misrepresentation that they are W.W. Williams, to ship them merchandise that the Doe Defendants will not pay for. The Doe Defendants further intend for the suppliers, who have shipped them merchandise in reliance on the Doe Defendant's material misrepresentation that they are W. W. Williams, to seek payment from W.W. Williams. Accordingly, the Doe Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams.

**First Cause Of Action**  
**Federal Trademark Infringement**

28. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 27 of the Complaint.

29. Defendants' aforementioned acts constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114.

30. Plaintiff's federal registrations on the Principal Register for the W.W. Williams Marks are incontestable, which provides conclusive evidence of the validity of the registrations, the Plaintiff's ownership of the W.W. Williams Marks, and of the Plaintiff's exclusive right to use the W.W. Williams Marks in commerce in connection with the goods and services specified in the Certificates of Registration under the provisions of 15 U.S.C. §1115(b)).

31. Defendants' wrongful use of the W.W. Williams Marks is likely to cause confusion as to sponsorship or authorization by Plaintiff. Defendants' actions constitute trademark infringement in violation of section 32(a) of the Lanham Act, 15 U.S.C. § 1114.

32. As a proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer damage to its business, goodwill, reputation, profits and the strength of the W.W. Williams Marks. Defendants' wrongful use of the W.W. Williams Marks will continue unless enjoined by this Court. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries, and Plaintiff lacks an adequate remedy at law.

33. The foregoing acts of infringement have been and continue to be deliberate, willful and wanton, making this an exceptional case within the meaning of 15 U.S.C. § 1117.

34. Plaintiff is entitled to a temporary restraining order, and to preliminary and permanent injunction against Defendants, as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

**Second Cause of Action  
False Designation of Origin and Passing Off**

35. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 34 of the Complaint.

36. Defendants chose to use the W.W. Williams Marks for their fraudulent practices because of the well-known and longstanding reputation of W.W. Williams. Defendants are passing themselves off as W.W. Williams and are falsely leading companies to believe that Defendants' fraudulent practices are associated with, endorsed by, or originate from Plaintiff, in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

37. The foregoing acts and conduct by Defendants constitute false designation of origin and passing off in connection with attempts to procure products and services distributed in interstate commerce, in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

38. Defendants registered the domain name wwwwilliamsinc.com for the purpose of posing as W.W. Williams, thereby profiting by their false association with W.W. Williams in violation of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1)(A).

39. Defendants' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. Defendants' actions will continue unless enjoined by this Court. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries, and Plaintiff lacks an adequate remedy at law.

40. Plaintiff is entitled to a temporary restraining order, and to a preliminary and permanent injunction against all Defendants, as well as all other remedies available under the Lanham Act, including, but not limited to, compensatory damages; treble damages; disgorgement of profits; and costs and attorneys' fees.

### **Third Cause of Action Cybersquatting**

41. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 40 of the Complaint.

42. Defendants registered wwwwilliamsinc.com for the purpose of profiting from use of the W.W. Williams Marks.

43. Defendants use the wwwwilliamsinc.com domain name and the W.W. Williams Marks to deceive companies into thinking they are doing business with W.W. Williams.

44. In 2013 when Defendants registered the domain name wwwwilliamsinc.com the W.W. Williams Marks had been used for more than one hundred (100) years.

45. Because of W.W. Williams' fame and the longstanding registrations of the W.W. Williams Marks, the W.W. Williams Marks were distinctive at the time Defendants registered wwwwilliamsinc.com.

46. Defendants intentionally chose the domain name because of the association of the name W.W. Williams with Plaintiff and its business reputation, in order to further their fraudulent scheme.

47. The domain name "www.williamsinc.com" is confusingly similar to and/or conveys a false affiliation with W. W. Williams' official website "www.williams.com."

48. Defendants have a bad faith intent to profit from their use of the W.W. Williams Mark in the registering and maintaining of the domain name "www.williamsinc.com."

49. Defendants' conduct, as described above, therefore constitutes cyberpiracy of the W.W. Williams Marks in violation of section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d). Such conduct entitles W. W. Williams to a temporary restraining order, and to preliminary and permanent injunctive relief and statutory damages in the amount of up to \$100,000 under 15 U.S.C. § 1117.

50. Pursuant to the provisions of 15 U.S.C. § 1125(d)(1)(C), W.W. Williams is also entitled to the immediate forfeiture of the domain name "www.williamsinc.com", as well as the transfer of the domain name from Defendants to W. W. Williams.

51. Upon information and belief, Defendants' conduct has been and continues to be deliberate, willful and wanton, occurring long after the Defendants' prior knowledge of W.

W. Williams' exclusive rights in and to the W. W. Williams Marks, making this an exceptional case within the meaning of 15 U.S.C. § 1117.

52. The conduct of Defendants has damaged W.W. Williams in an amount that is not now ascertainable but may be proven at trial.

53. Upon information and belief, Defendants' unlawful conduct will continue to W. W. Williams' detriment unless immediately enjoined.

#### **Fourth Cause of Action Fraud**

54. Plaintiff realleges and incorporates by reference herein the allegations contained in paragraphs 1 through 53 of the Complaint.

55. Defendants are using the W.W. Williams Marks to materially misrepresent themselves as being W.W. Williams with the intent to defraud unsuspecting suppliers by inducing suppliers into shipping them merchandise that the Doe Defendants will not pay for. The Doe Defendants further intend for the suppliers who have shipped them merchandise in reliance on the Doe Defendants' material misrepresentation that they are W. W. Williams to seek payment from W.W. Williams. Accordingly, the Doe Defendants are using the W.W. Williams Marks to defraud the suppliers with the intent of causing injury to the suppliers and to W.W. Williams. (See Exhibits G and H.)

56. Defendants' acts, as set forth above, have caused irreparable injury to Plaintiff's goodwill and reputation. The injury to Plaintiff is and continues to be ongoing and irreparable. An award of monetary damages alone cannot fully compensate Plaintiff for its injuries and Plaintiff lacks an adequate remedy at law.

57. Plaintiff is entitled to a temporary restraining order, and to a preliminary and permanent injunction against all Defendants, as well as all other remedies available including,

but not limited to, compensatory damages; punitive damages; disgorgement of profits; and costs and attorneys' fees.

WHEREFORE, W. W. Williams requests that the Court order:

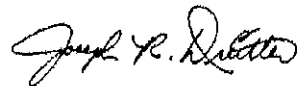
1. That Defendant Domains by Proxy, LLC immediately provide Plaintiff with complete and accurate contact information regarding the identity of the registrant of the wwwwilliamsinc.com domain, including without limitation, contact name(s), addresses, telephone numbers and credit card information;
2. The issuance of a temporary restraining order and preliminary injunction, and thereafter a permanent injunction enjoining Defendants and their agents, servants, employees, successors, representatives and assigns, and all others in concert and privity with them who receive actual notice of the court's order by personal service or otherwise from infringing, or falsely designating the origin of the W. W. Williams Marks, from using the W. W. Williams Marks in commerce in any way, and from injuring W. W. Williams's reputation;
3. That Defendants and their agents, servants, employees, successors and assigns, and all others in active concert and participation with them be preliminarily and permanently restrained from using, registering, selling, transferring or assigning any domain name that contains the W. W. Williams Marks;
4. That Defendants be ordered to assign and transfer to W. W. Williams, at Defendants' cost, the domain name "www.williamsinc.com" and any other domain name currently owned or registered by Defendants that contains any of the W. W. Williams Marks;
5. That Defendants account to W. W. Williams for their profits, the actual damages suffered by W. W. Williams as a result Defendants' acts of infringement, passing off and fraud together with interest and costs, and that such damages be trebled because of the willful acts described above, which acts were committed in knowing disregard of W. W. Williams' known rights;
6. That Defendants pay to W. W. Williams statutory damages, pursuant to 15 U.S.C. §§ 1117(d) and 1125(d)(1), in the amount of \$100,000.00;
7. The issuance of a temporary restraining order and preliminary injunction, and thereafter a permanent injunction enjoining Defendants from using any of the W. W. Williams Marks or names or marks deceptively similar to the W. W. Williams Marks in connection with a website or as metatags, directory names, other computer addresses, invisible data, or otherwise engaging in acts or

conduct that would cause confusion as to the source, sponsorship or affiliation of W. W. Williams with Defendants;

8. That Defendants provide the Court and W. W. Williams with a complete list of all third persons, including, without limitation, retailers, suppliers, distributors, agents, employees or representatives of Defendants, whom Defendants have contacted posing as W. W. Williams;
9. That this Court issue an order to the telecommunications company that controls the telephone number 866-545-0851 to block use of that number;
10. That this Court issue an Order to Google compelling the disclosure of all contact information for any email account on the domain www.williamsinc.com, and copies of all email sent from and received by each such email account;
11. That Defendants pay compensatory and treble damages to W. W. Williams;
12. That Defendants disgorge all profits realized from its infringing and fraudulent use of the W. W. Williams Marks;
13. That Defendants pay W. W. Williams' attorneys' fees, together with the costs of this suit; and
14. All other and further relief as may be just and equitable.

Dated: March <sup>29</sup>28, 2013

Respectfully submitted,



---

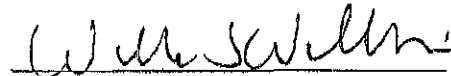
Joseph R. Dreitler, Trial Attorney (0012441)  
Mary R. True (0046880)  
DREITLER TRUE LLC  
137 E. State Street, Suite 101  
Columbus, OH 43215  
E-mail: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com)  
[mtrue@ustrademarklawyer.com](mailto:mtrue@ustrademarklawyer.com)  
Telephone: (614) 545-6355  
Facsimile: (614) 241-2169

*Attorneys for Plaintiff  
The W.W. Williams Co.*



## VERIFICATION

I am an officer of The W.W. Williams Company. I have reviewed the allegations in the Verified Complaint for Trademark Infringement, Unfair Competition, Passing Off, Cybersquatting and Fraud brought by The W.W. Williams Company against defendants Domains by Proxy and Does 1-10 (the "Verified Complaint"). The allegations in the Verified Complaint are true and accurate to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "W. S. Williams", is written over a horizontal line.

By: William S. Williams

Title: Chairman & CEO

The W.W. Williams Company

# Exhibit B

Int. Cls.: 35 and 37

Prior U.S. Cls.: 100, 101, 102, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,816,546

Registered Feb. 24, 2004

**SERVICE MARK  
PRINCIPAL REGISTER**

**W.W.WILLIAMS**

THE W.W. WILLIAMS COMPANY (OHIO CORPORATION)  
835 WEST GOODALE BOULEVARD  
COLUMBUS, OH 43212

FOR: RETAIL STORE OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES, MACHINES AND EQUIPMENT, NAMELY TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY EQUIPMENT, BUSES AND COACHES; RETAIL OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING DIESEL-POWERED REFRIGERATION UNITS FOR VEHICLES AND TRAILERS; RETAIL OUTLET AND DISTRIBUTOR SERVICES FEATURING REPAIR PARTS FOR ENGINES AND TRANSMISSION WHICH ARE MANUFACTURED UNDER LICENSE OR BY PERMISSION OF THE ORIGINAL MANUFACTURER, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-1920; IN COMMERCE 7-0-1920.

FOR: MAINTAINING AND REPAIRING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES, MACHINES AND EQUIPMENT, NAMELY, TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY MECHANICAL EQUIPMENT, BUSES AND COACHES; MAINTAINING AND REPAIRING REFRIGERATION UNITS FOR VEHICLES AND TRAILERS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 7-0-1920; IN COMMERCE 7-0-1920.

THE NAME "W. W. WILLIAMS" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SEC. 2(F).

SER. NO. 76-488,033, FILED 2-7-2003.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

# **Exhibit C**

Int. Cls.: 35 and 37

Prior U.S. Cls.: 100, 101, 102, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,794,417

Registered Dec. 16, 2003

SERVICE MARK  
PRINCIPAL REGISTER

**W.W. Williams**

THE W.W. WILLIAMS COMPANY (OHIO CORPORATION)  
835 WEST GOODALE BOULEVARD  
COLUMBUS, OH 43212

FOR: RETAIL STORE OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES, MACHINES AND EQUIPMENT, NAMELY TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY EQUIPMENT, BUSES AND COACHES; RETAIL OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING DIESEL-POWERED REFRIGERATION UNITS FOR VEHICLES AND TRAILERS; RETAIL OUTLET AND DISTRIBUTOR SERVICES FEATURING REPAIR PARTS FOR ENGINES AND TRANSMISSION WHICH ARE MANUFACTURED UNDER LICENSE OR BY PERMISSION OF THE ORIGINAL MANUFACTURER, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-1920; IN COMMERCE 7-0-1920.

FOR: MAINTAINING AND REPAIRING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES, MACHINES AND EQUIPMENT, NAMELY, TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY MECHANICAL EQUIPMENT, BUSES AND COACHES; MAINTAINING AND REPAIRING REFRIGERATION UNITS FOR VEHICLES AND TRAILERS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 7-0-1920; IN COMMERCE 7-0-1920.

SEC. 2(F).

SER. NO. 76-488,032, FILED 2-7-2003.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

# **Exhibit D**

**Int. Cls.: 37 and 42**

**Prior U.S. Cls.: 101 and 103**

**United States Patent and Trademark Office**

**Reg. No. 1,166,781**

**Registered Aug. 25, 1981**

**SERVICE MARK**

**Principal Register**



The W. W. Williams Company (Ohio corporation)  
835 W. Goodale Blvd.  
Columbus, Ohio 43212

For: LEASING, MAINTAINING AND REPAIRING HEAVY CONSTRUCTION, INDUSTRIAL AND MINING EQUIPMENT AND MACHINES, in CLASS 37 (U.S. Cl. 103).

First use Jul. 1, 1920; in commerce Jul. 1, 1920.

For: RETAIL OUTLET AND DISTRIBUTORSHIP IN THE FIELD OF HEAVY

CONSTRUCTION, INDUSTRIAL AND MINING EQUIPMENT AND MACHINES, in CLASS 42 (U.S. Cl. 101).

First use Jul. 1, 1920; in commerce Jul. 1, 1920.

The mark consists of overlapping letters "WW" contained within a circle.

Ser. No. 217,146, filed May 25, 1979.

J. C. DEMOS, Deputy Director

CHRISTOPHER G. HAWKINS, Examiner

# **Exhibit E**



Int. Cls.: 7, 12, 35 and 37

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, 35, 44, 100, 101,  
102, 103 and 106

Reg. No. 2,773,047

Registered Oct. 14, 2003

United States Patent and Trademark Office

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



W.W. WILLIAMS COMPANY, THE (OHIO CORPORATION)  
835 WEST GOODALE BOULEVARD  
COLUMBUS, OH 43212

FOR: ENGINES AND TRANSMISSION FOR MOTORIZED NON-LAND VEHICLES AND MACHINES, NAMELY CONSTRUCTION EQUIPMENT CRANES, BULLDOZERS GRADERS, EARTH MOVERS, AND STEAM SHOVELS; MARINE APPLICATIONS, NAMELY BOATS, SHIPS AND FERRIES; MILITARY APPLICATIONS, NAMELY ARMORED PERSONNEL CARRIERS; ELECTRIC POWER GENERATORS, FIRE PUMPS, AND STRUCTURAL PARTS THEREFORE, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 9-15-1998; IN COMMERCE 9-15-1998.

FOR: VEHICLE ENGINES AND TRANSMISSIONS FOR MOTORIZED LAND VEHICLES, NAMELY, TRUCKS; EMERGENCY EQUIPMENT, NAMELY FIRE ENGINES, FIRE TRUCKS, WATER PUMPS AND AMBULANCES; BUSES AND MOTORIZED COACHES, AND STRUCTURAL PARTS THEREFORE, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 9-15-1998; IN COMMERCE 9-15-1998.

FOR: RETAIL STORE OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES,

MACHINES AND EQUIPMENT, NAMELY TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY EQUIPMENT, BUSES AND COACHES; RETAIL OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING DIESEL-POWERED REFRIGERATION UNITS FOR VEHICLES AND TRAILERS; RETAIL OUTLET AND DISTRIBUTORSHIP SERVICES FEATURING REPAIR PARTS FOR ENGINES AND TRANSMISSION WHICH ARE MANUFACTURED UNDER LICENSE OR BY PERMISSION OF THE ORIGINAL MANUFACTURER, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-15-1998; IN COMMERCE 9-15-1998.

FOR: MAINTAINING AND REPAIRING ENGINES AND TRANSMISSIONS FOR MOTORIZED VEHICLES, MACHINES AND EQUIPMENT, NAMELY, TRUCKS, CONSTRUCTION EQUIPMENT, MARINE VEHICLES AND MILITARY MECHANICAL WEAPONS, POWER GENERATING EQUIPMENT, FIRE PUMPS, EMERGENCY MECHANICAL EQUIPMENT, BUSES AND COACHES; MAINTAINING AND REPAIRING REFRIGERATION UNITS FOR VEHICLES AND TRAILERS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-16-2001; IN COMMERCE 4-16-2001.

OWNER OF U.S. REG. NO. 1,166,781.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CO.", APART FROM THE MARK  
AS SHOWN.

THE MARK CONSISTS OF THE STYLIZED  
WORDING AND LETTERS "THE WWW CO." WITH  
THE LETTERS "WWW" SUPERIMPOSED IN AN

OVERLAPPING MANNER, ALL OF WHICH IS  
CONTAINED WITHIN A CIRCLE.

SER. NO. 76-319,250, FILED 9-28-2001.

RICHARD ALVES, EXAMINING ATTORNEY

# Exhibit F

Google

Sign in

Create an account



 Gmail About Why Gmail Features Help

I would like to report a Gmail user who has sent messages that violate the Gmail Program Policies and/or Terms of Use.

We appreciate reports concerning users who violate Gmail's Program Policies and/or Terms of Use. Please fill out this form to report an incident to the Gmail Team.

We will use the information you provide to conduct an investigation and contact you if we need more details; however, you will not receive a response or email acknowledgment of your submission.

**An email address we can use to contact you \***

**Your Gmail username (if you have one)**

@gmail.com

**Full Gmail address of the person involved in the incident \***

**Email headers of the questionable message \***

To see headers in Gmail, click the down arrow next to the reply button, and select 'Show original'. For instructions on how to view headers in other webmail providers, please visit: <http://support.google.com/mail/bin/answer.py?hl=en&answer=22454>

**Original subject line of the questionable message**

**Content of the questionable message \***

Please paste the entire body of the message in the provided space above.

## Additional information

Did the message appear to be from someone impersonating Google?

Yes

No

**Submit**

\* Required field

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[Help for other Google products](#)

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[◀ Fix a problem](#)

## A Gmail address has been registered with a trademarked name

Google does not monitor or control the email addresses selected by Gmail users. If you would like to pursue the potential misuse of your trademark, we suggest contacting the address holder for resolution of the matter.

Mar 29, 2013

### How helpful is this article:

☐ Not at all helpful

☐ Not very helpful

☐ Somewhat helpful

☐ Very helpful

☐ Extremely helpful

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[Terms of Service](#)

[Program Policies](#)

# **Exhibit G**



TRADEMARK, COPYRIGHT, ADVERTISING  
AND UNFAIR COMPETITION LAW.

LLC

137 E. State Street- Suite 101

Columbus, Ohio 43215

June 13, 2013

**Joseph R. Dreitler**

**Telephone: (614) 545-6354**

**Facsimile: (614) 241-2169**

**jdreitler@ustrademarklawyer.com**

Via Email [yclifford@vistaprint.com](mailto:yclifford@vistaprint.com)

Victoria Clifford, Esq.  
Vistaprint Limited  
100 Hayden Ave  
Lexington, MA 02421

Re: Misuse of W.W. Williams trademark - "www.williamsincs.com"

Dear Ms. Clifford:

I obtained your name from the USPTO website as the filing correspondent for many of the trademark registrations owned by Vistaprint. We represent The W.W. Williams Company (collectively "W.W. Williams") of Columbus, Ohio in connection with trademark, copyright and internet matters.

In early March 2013 we learned that unknown persons had registered the domain name "www.williamsinc.com" and set up a Google Gmail account of [www.williamsinc@gmail.com](mailto:www.williamsinc@gmail.com) to engage in criminal fraud by sending out fake purchase orders using our client's logo and asking for merchandise to be shipped to addresses that had no connection with our client. We provided copies of these fraudulent documents to legal counsel for both Domains by Proxy/Go-Daddy.com and Google in the hopes of having them promptly close down the Gmail account and lock down the domain name. Regrettably, we were forced to file suit seeking a TRO in USDC for the Southern District of Ohio (Case No. 2:13-CV-298) before we were able to obtain the cooperation that we had requested, namely a turn over of the domain name and closing down of the Gmail accounts. At that time Go-Daddy and Google were required to turn over the contact information and domain name. The contact information for both of these was totally fictitious, as you would expect. We had hoped that this would be the end of it, but it was not.





We have just learned that the domain name [www.williamsincs.com](http://www.williamsincs.com) was created on May 12, 2013 and our search of the WHOIS records indicates that this is a masked record with VistaPrint Technologies Ltd identified as the masked owner. We are certain that the person or persons who registered this domain are the same criminals who registered [www.williamsinc.com](http://www.williamsinc.com) and used it as an email address to try and obtain (and did) tens of thousands of dollars of electronics and other merchandise from unsuspecting companies who thought they were dealing with W. W. Williams.

We have looked at the website for this new domain held by Vistaprint and note that, like the domain used previously, there is nothing on the home page. However, we are aware that the owner of this domain and the email address [edouglas@www.williamsincs.com](mailto:edouglas@www.williamsincs.com) has been using the corporate name of W.W. Williams and their corporate address in Columbus, Ohio for the purpose of attempting to buy Thuraya mobile satellite phones (that are only used in the Middle East and Africa) as though they are W.W. Williams. Our client has now received six emails from companies asking if they were the W.W. Williams asking for a quote on Thuraya mobile satellite phones, so we know that the scam has begun again using the domain registered by Vistaprint (as well as the Gmail account). As we argued to Judge Watson with respect to GoDaddy and Google, we believe that registration and use of this domain name and email address system, almost identical to our client, along with use of our client's corporate address and passing themselves off as our client attempting to buy satellite phones, is criminal. This is much more serious than a misrepresentation of this business as being connected with that of W.W. Williams. These actions are clearly intended to – and already have – confused other businesses who believe that emails from these unknown persons are from W.W. Williams.

Our client has rights in W.W. Williams, and for 100 years W.W. Williams has used the name and mark W.W. Williams in connection with engine and transmission products and services of all types. The mark W.W. Williams is registered under U.S. Trademark Registration No. 2,816,546. As a result of W.W. Williams's long, continuous and substantially exclusive use of the mark W.W. Williams since 1913, W.W. Williams enjoys tremendous goodwill associated with this mark by the public.

Clearly, this second criminal re-registration of a similar domain name (along with Gmail account) of [www.williamsincs.com](http://www.williamsincs.com) was with full knowledge of W.W. Williams' products, services and website.

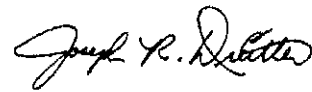
We have read your policies and they are certainly more reasonable than those of Go-Daddy. However, this is not a vanilla cybersquatting case, this is a criminal activity using the domain registered in the name of Vistaprint. This letter serves as our request that you contact the owner of this domain name at once and request that they provide you with real contact information, which we know they will not do. At that point we would ask that you



either lock down, cancel this registration or deactivate it so that it can not be used be the current owner.

We are glad to discuss this matter with you and look forward to your cooperation, as we intend to seek an appointment with Judge Watson next week to discuss this entire matter and our client hopes that Vistaprint will be cooperative in helping to promptly stop this criminal activity using Vistaprint's domain services.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph R. Dreitler". The signature is fluid and cursive, with the first name "Joseph" and last name "Dreitler" clearly distinguishable.

Joseph R. Dreitler



# Exhibit H



TRADEMARK, COPYRIGHT, ADVERTISING  
AND UNFAIR COMPETITION LAW.

LLC

137 E. State Street- Suite 101  
Columbus, Ohio 43215  
June 13, 2013

Mary R. True  
Telephone: (614) 545-6355

Facsimile: (614) 241-2169  
mtrue@ustrademarklawyer.com

*Via e-mail: [kwherlihy@vorys.com](mailto:kwherlihy@vorys.com)  
[jkuhl@vorys.com](mailto:jkuhl@vorys.com)*

Kimberly Weber Herlihy, Esq.  
John Kuhl, Esq.  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street, P.O. Box 1008  
Columbus, OH 43216

Re: W.W. Williams Co. – misuse of [wwwilliamsincs@gmail.com](mailto:wwwilliamsincs@gmail.com)

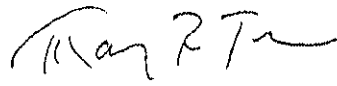
Dear Kim and John:

As I discussed with Kim, W.W. Williams is continuing to receive inquiries from suppliers regarding fake purchase orders that are now being sent out under the email address [edouglas.wwwilliamsincs.com@gmail.com](mailto:edouglas.wwwilliamsincs.com@gmail.com). The items being requested in the purchase orders are satellite mobile phones that can only be used in the Middle East and Africa. We understand that Google's "preferred" method of dealing with this is to go through its standard reporting procedures. However, we have little confidence in the efficacy and timing of that procedure, especially since we know that this is a continuing criminal enterprise by the same people who were using Google's services in March and given this criminal activity, it should be shut down at once and not treated as a garden variety cybersquatter.

We would also like to come up with a way that this criminal activity can be prevented from happening again (or at least terminating as soon as it is discovered), rather than simply having to react to subsequent incidents and waste all of our time, including the court's. We ask that your client consider and formulate alternative and more effective ways to correct this situation. We will be setting up a meeting with Judge Watson for next week to determine the best way to move forward. Be advised, however, that if it is necessary to file a new lawsuit against your client, we will be seeking a ruling on willful contributory trademark infringement, and an award of fees and costs.

Please advise regarding your availability for a meeting next week.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary R. True". The signature is fluid and cursive, with the first name "Mary" being more prominent than the last name "True".

Mary R. True

# **Exhibit I**

## Tom Trofino

---

**From:** Victoria Clifford <vclifford@vistaprint.com>  
**Sent:** Friday, June 14, 2013 4:12 PM  
**To:** Joseph Dreitler  
**Cc:** Mary True; Tom Trofino  
**Subject:** RE: criminal misuse of Vistaprint owned domain name

**TimeMattersID:** M99C7A1FBFAEF769  
**TM Contact:** W.W. WILLIAMS COMPANY  
**TM Contact No:** 9478  
**TM Matter No:** 9478-003  
**TM Matter Reference:** WW Williams v Google, et al.

Dear Attorney Dreitler,

As you are aware, we provide a fully automated web hosting service to our customers. All of our toolsets including those that register the domain, create the subordinate webpages and upload content are fully automated and, of course, subject to our terms of use.

In this particular situation, Vistaprint has terminated this customer account. Vistaprint has no interest in this domain.

Kindly follow this link to transfer the domain <https://manage.opensrs.net> and enter the following information:

**Domain:** [www.williamsincs.com](http://www.williamsincs.com)  
**user:** williams  
**password:** password1234

Please log in and change the contact information and get the AUTH code (required for transfer, click on the "Domain Extras" link).

After you have updated the contact information with your own information, you can then go to a registrar of your choice and initiate a transfer.

Vistaprint cannot initiate the transfer beyond the above, as the transfer process is a pull operation (i.e. the new registrar requests it) where the contact associated with the domain is expected to respond via email, i.e. you.

Kindly confirm safe receipt of these instructions and contact me directly should you any questions.

Best regards,

Victoria Clifford  
Intellectual Property Paralegal  
T: 1.781.652.6532  
F: 1.781.652.6092

**Vistaprint** Make an Impression.

Business Cards are FREE at [www.vistaprint.com](http://www.vistaprint.com)!

**From:** Joseph Dreitler [<mailto:jdreitler@ustrademarklawyer.com>]  
**Sent:** Thursday, June 13, 2013 4:07 PM  
**To:** Victoria Clifford  
**Cc:** Mary True; Tom Trofino  
**Subject:** criminal misuse of Vistaprint owned domain name

Dear Ms. Clifford:  
Please see the attached.  
Thank you

Joseph R. Dreitler  
Dreitler True, LLC  
137 E. State St.  
Columbus, Ohio 43215  
614-545-6354  
[jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com)  
<http://www.ustrademarklawyer.com>



## Tier 1 Trademark & Copyright

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This message may contain confidential and privileged information from Vistaprint. If it has been sent to you in error, please notify the sender by replying to this message without reviewing its contents and immediately destroy all copies of this message and any attachments. Thank you.

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No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2012.0.2242 / Virus Database: 3199/5917 - Release Date: 06/16/13



# **Exhibit J**

## Tom Trofino

---

**From:** Victoria Clifford <vclifford@vistaprint.com>  
**Sent:** Tuesday, July 02, 2013 6:31 PM  
**To:** Joseph Dreitler  
**Cc:** 'Mary True'; 'Tom Trofino'  
**Subject:** RE: criminal misuse of Vistaprint owned domain name

**TimeMattersID:** M6615A20B51E7129  
**TM Contact:** W.W. WILLIAMS COMPANY  
**TM Contact No:** 9478  
**TM Matter No:** 9478-003  
**TM Matter Reference:** WW Williams v Google, et al.

Hi Joe,

We have terminated the customer account. I can't honestly say if the information it is legitimate or not but I am happy to discuss.

Best regards,

Victoria Clifford  
Intellectual Property Paralegal  
T: 1.781.652.6532  
F: 1.781.652.6092

**Vistaprint** Make an Impression:  
Business Cards are FREE at [www.vistaprint.com](http://www.vistaprint.com)!

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**From:** Joseph Dreitler [mailto:jdreitler@ustrademarklawyer.com]  
**Sent:** Tuesday, July 02, 2013 3:04 PM  
**To:** Victoria Clifford  
**Cc:** 'Mary True'; 'Tom Trofino'  
**Subject:** RE: criminal misuse of Vistaprint owned domain name

Dear Ms. Clifford.  
The crooks are back.  
I see that they have now registered my clients name with two "s" at the end through Vistaprint-

Wwwwilliamsincss.com

Can you believe it?  
Is the info fake (I know the answer to that).  
Can you deactivate it?

Thanks much. I have never seen anything like this in my life. But, always a first I guess.....

Best.

Joe

Joseph R. Dreitler  
Dreitler True, LLC